IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

WP(C).No. 31982 of 2006(G)

PETITIONER:

M.N.THYAGARAJAN,
OWNER AND OCCUPIER OF SHED NO.8,
MINI INDUSTRIAL ESTATE, VARKALA.

BY ADV. SRI.M.BALAGOVINDAN
SRI.SASITH PANICKER

RESPONDENTS:

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1. STATE OF KERALA,
REP. BY SECRETARY TO GOVERNMENT,
INDUSTRIES AND COMMERCE,
SECRETARIAT, THIRUVANANTHAPURAM.

2. KERALA SMALL INDUSTRIES DEVELOPMENT
CORPORATION, REP. BY ITS MANAGING DIRECTOR,
P.B.NO.50, HOUSING BOARD BUILDING,
SANTHI NAGAR, THIRUVANANTHAPURAM.

3. SENIOR MANAGER,
KERALA SMALL INDUSTRIES DEVELOPMENT CORPORATION,
HOUSING BOARD BUILDING,
SANTHI NAGAR, THIRUVANANTHAPURAM.

R1 BY GOVT. PLEADER SRI.I.V.PRAMOD
R2, R3 BY ADV. SRI.M.A.MANHU, SC, SIDCO

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J

W.P(C).No.31982 OF 2006

Dated this the 31st day of January, 2007

JUDGMENT

The petitioner is an occupant of a shed of SIDCO. He was issued with Ext.R2(a) notice dated 6.3.2006 calling upon him to vacate the premises since he is keeping the shed idle. The petitioner issued Ext.P2 lawyers notice, essentially by way of reply to Ext.R2(a). The question as to whether the petitioner has left the shed idle or not, is a matter which is for the SIDCO to decide primarily, subject of course in accordance with law.

2. Under such circumstances, this writ petition is disposed of without entering on merits, however, directing that SIDCO will give the petitioner an opportunity of hearing on the basis of Ext.P2, by treating it as a reply to Ext.R2(a) and take final decision in the matter within a period of one month from the date of receipt of a copy of this judgment. Until such a decision

is taken, SIDCO shall not resume possession of the shed in question.

The writ petition is disposed of with the above direction.

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.